

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

|                              |   |                              |
|------------------------------|---|------------------------------|
| WALTER JAMAR AVERY, #184038, | ) |                              |
|                              | ) |                              |
| Plaintiff,                   | ) |                              |
|                              | ) |                              |
| v.                           | ) | CIVIL ACTION NO. 3:05cv836-T |
|                              | ) | (WO)                         |
| SGT. TABB, <i>et al.</i> ,   | ) |                              |
|                              | ) |                              |
| Defendants.                  | ) |                              |

**ORDER**

On November 14, 2005, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 11). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that this case be and is hereby DISMISSED without prejudice for failure of the plaintiff to comply with the orders of this court and his failure to properly prosecute this action.

Done this the 7th day of December 2005.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE